

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

## **THE INVENTION**

The present invention is directed to a method and game apparatus for engaging a person suffering from memory loss. The present invention essentially includes a game board including a front face having a plurality of openings therein, and a rear face connected to the front face. The front and rear faces are spaced from each other so as to define a cavity therebetween. Means are provided for selectively covering and uncovering the openings. A plurality of calling cards is provided, each calling card displaying information in the nature of a question. A game card is provided having answers to the questions displayed on the calling cards. In playing the game, a game card is inserted into the cavity of each game board so that the answers are displayed in the openings. A question displayed on a selected calling card is read. The opening is covered that displays the answer to the question that has been read. The questions are read and the openings are covered until all of the openings on the game board are covered.

The game apparatus of claim 1 has been amended to recite that the “game card” includes “opposed side edges, wherein at least one side edge has a pair of spaced notches.” The method of claim 9 has been amended to recite that “one or more talking points are read to facilitate a discussion among the players, to provide further therapeutic benefit to memory abilities of the players.”

The present invention is especially directed to a therapeutic game device for assisting patients suffering from memory loss. The present inventors have conducted research that indicates demonstrable improvement in memory among patients who participate in the memory activities associated with the present invention. In at least this way, the present invention is distinct from “bingo” type games and other such competitive games used for diversion and entertainment. It is therefore respectfully submitted that the prior art is very different from the present invention, particularly as defined by the claims as presently amended.

### THE REJECTIONS OVER PRIOR ART

It is noted that, with the present Office Action, the page one form (PTOL-326) indicates that claims 1-20 are rejected. However, within the body of the Office Action, claims 1-3, 8, 14 and 19 are rejected under Section 102, and claims 4-7, 13, 15 and 20 are rejected under Section 103. The “Conclusion” section states that “(C)laims 9-11 and 16-18 call for the internal structure of the claimed invention which is not shown by Hahn. Nor do the cards show notches as called for by claim 12.”

In view of the lack of any actual prior art rejections against these claims, the latter discussion is construed as an indication of allowable subject matter with respect to claims 9-12 and 16-18, irrespective of the rejections of claims 1-20 as had been indicated on the PTOL-326.

### **THE REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-3, 8, 14 and 19 have been rejected under Section 102(b) as being anticipated by Hahn (U.S. Pat. No. 3,665,618). This rejection is respectfully traversed, particularly as applied to the claims as presently amended.

Hahn is directed to an instructional game used to assist beginning readers in promoting perception of various letter patterns. The Examiner cites Hahn for simply showing "a game board 10, with a means for covering and uncovering 20, calling cards 36 and game card 24." However, it should be noted that in particular that Hahn cannot be relied upon to show a game card having opposed side edges such that at least one side edge has a pair of spaced notches. This limitation had been indicated allowable by the Examiner, as noted above. It is therefore respectfully submitted that independent claim 1 patentably distinguishes over the prior art.

Method claim 19 has been amended to recite a step of "reading at least one talking point to facilitate a discussion among the players, to provide further therapeutic benefit to memory abilities of the players." In this way, claim 19 further defines the present invention in terms of a memory improvement method for patients suffering from memory loss. In disclosing a game for promoting letter pattern

recognition in beginning readers, Hahn cannot be relied upon to show a method in accordance with claim 19 as presently amended.

In view of the above, it is respectfully submitted that Hahn fails to show "every aspect of the claimed invention" as is required in order to meet the requirements for anticipation as set forth by Section 102. (See MPEP 706.02). Therefore, it is respectfully submitted that the previously-rejected independent claims 1 and 19 patentably distinguish over the prior art. Further, it is respectfully submitted that the dependent claims are allowable for at least the same reasons as the independent claims 1 and 19. A favorable indication to that effect is earnestly solicited.

### **THE REJECTIONS UNDER 35 U.S.C. § 102**

Claims 4-7, 13, 15 and 20 have been rejected under Section 103(a) as being unpatentable over Hahn in view of Shaw (U.S. Pat. No. 5,120,069). This rejection is respectfully traversed, particularly as applied to the claims as presently amended.

Shaw is simply directed to a bingo workstation. Shaw is applied in combination with Hahn in order to allegedly show various limitations of the dependent claims. However, it is quite apparent from inspection that Shaw cannot be relied upon to show a therapeutic game device for improving memory in patients having memory loss. In this way, it is plain that Shaw cannot be relied upon to shore up the deficiencies of the base reference to Hahn, in order to meet the requirements of the independent claims. Therefore, it is respectfully submitted that the dependent claims 4-7, 13, 15 and 20 rejected over the combination of Hahn and Shaw are

allowable for at least the same reasons as the independent claims 1 and 19. A notice to that effect is earnestly solicited.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. CRT-14628.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By Wayne D. Porter  
Wayne D. Porter, Reg. No. 26,977

925 Euclid Avenue, Suite 700  
Cleveland, Ohio 44115  
(216) 566-9700